

REMARKS

Information Disclosure Statement

At the outset, Applicant draws the Office's attention to an Information Disclosure Statement and PTO Form 1449 that were filed on November 7, 2001 and again on January 30, 2002. The PTO Form 1449 was not included with the Office Action and Applicant respectfully requests that the Office consider the references listed thereon.

Claim Rejections

In the Office Action, claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,648,757 to Vernace et al. ("Vernace") in view of U.S. Patent Application No. 0042245 to Iwamura ("Iwamura"). Applicant has herein amended claims 1, 6, 8, 10, and 11. Applicant submits that no new matter has been added. Applicant traverses the rejections as follows.

Claims 1-5

Applicant submits that neither Vernace nor Iwamura teach or suggest, alone or in combination, all of the elements of independent claim 1. For example, neither reference, alone or in combination, teaches or suggests, among other things, "a light source attached to a top side of the housing and in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the light source to be lit upon receipt of the signal" as claimed in claim 1.

Vernace is directed to a combination holder and detection device for a remote control unit. The holder/detection device consists of two pieces: an upper portion is placed along the top surface of a conventional remote control unit and a lower portion is positioned at the lower side of the remote control unit. The upper and lower portions are coupled together to enclose the

remote control unit such that the keypad of the remote control unit remains accessible to the user.
See Vernace, col. 2, lines 41-52.

The holder/detection device includes a tilt switch that, when sensing movement of the device, causes a piezo transducer to sound. *See Vernace*, col. 5, lines 18-23. The holder/detection device may also include a movable lamp secured thereto. *See Vernace*, col. 4, lines 52-58.

In the Office Action, the component of the Vernace holder/detection device corresponding to the “processor” in claim 1 of the instant application was identified as the remote control unit secured by the holder/detection device. [Vernace, however, does not teach or suggest that the tilt switch or that the movable lamp is in communication with a processor of the remote control unit.] Indeed, because the tilt switch and the movable lamp are not part of the remote control unit – but rather part of the holder/detection device – these components of the Vernace design are not in communication with a processor of the remote control unit.

As a consequence, in the Vernace holder/detection device, the motion detector does not, among other things, “communicate a signal to the processor upon detection of motion of the device,” as recited in independent claim 1.

Iwamura is directed to a remote control system that includes a camera that is placed on a television. The camera is in communication with the motion detector. The motion detector functions to identify hand motions that are captured by the camera. The hand motions serve to control the operation of the television. *See Iwamura*, Paras. 0029-0042. Thus, the motion detector does not, among other things, “communicate a signal to the processor upon detection of motion of the device,” as recited in independent claim 1. Rather, the motion detector detects hand motions of a user.

Therefore, Applicant submits that the cited references fail to teach or suggest every limitation of claim 1. *See* MPEP § 2143 (stating that one of the requisite elements of a *prima facie* case of obviousness is that the cited reference must teach or suggest each claim limitation).

Applicant also submits that Iwamura teaches away from a combination of the device described in Iwamura with any type of portable remote control device or remote control holder/detector, such as the holder/detector device described in Vernace. For example, Iwamura states that “existing remote commanders have some drawbacks. They are easy to lose[,] ... one has to learn which button is where on the commander [and] ... [r]emote commanders require batteries which have to be replaced periodically.” Iwamura, Para. 0004. Thus, Applicant submits that it would be improper to combine Vernace and Iwamura because Iwamura teaches away from such a combination. *See* MPEP § 2145.

Furthermore, Applicant submits that the combination of the devices disclosed in Vernace and Iwamura would render the devices unsatisfactory for their intended purposes. For example, if the remote control holder/detector of Vernace were to incorporate the device of Iwamura, the holder would have to hold a television screen, a camera, and various other circuitry that is normally incorporated into a television set. Such a combination would be bulky and would be unsatisfactory because the holder/detector would not hold a device that controls the television, but would hold the television itself. Also, such a combination would be a movable combination because the remote control holder of Vernace is movable. Such a randomly movable device would render the hand motion detection capabilities of the device of Iwamura unsatisfactory because the camera and motion detector of Iwamura are designed to function as stationary components or as CPU-controlled movable components. (*See* Iwamura Paras. 28 and 47).

However, if the combination were not movable, the device of Vernace would be unsatisfactory because the detection capabilities of the device would be useless given that the device does not move and a user would know its location without the need for an audible locator signal. Thus, Applicant submits that the combination of Vernace and Iwamura would render each device unsatisfactory for their intended purposes. See MPEP § 2143.01.

Accordingly, for the reasons stated above, Applicant submits that claim 1, and claims 2-5 which depend therefrom, are not obvious over Vernace in view of Iwamura. See MPEP § 2143.03 (stating that if an independent claim is nonobvious, then a claim which depends therefrom is necessarily nonobvious).

Claims 6 and 7

For analogous reasons stated hereinabove with respect to independent claim 1, Applicant submits that independent claim 6 is not obvious over Vernace in view of Iwamura. Furthermore, Applicant submits that neither Vernace nor Iwamura, alone or in combination, teaches or suggests, among other things, “a semi-transparent area located on a top side of the housing and having no input function, wherein the semi-transparent area is backlit when the light source is lit.” Instead, Vernace teaches a fluorescent area which, by definition, is not semi-transparent. See Vernace, col. 4, lines 48-51. Furthermore, neither Vernace nor Iwamura teach or suggest, alone or in combination, among other things, any areas of the disclosed devices that are backlit.

Accordingly, for the reasons stated above, Applicant submits that claim 6, and claim 7 which depends therefrom, are not obvious over Vernace in view of Iwamura.

Claims 8 and 9

For analogous reasons stated hereinabove with respect to independent claim 1, Applicant submits that independent claim 8 is not obvious over Vernace in view of Iwamura. Furthermore,

Applicant submits that neither Vernace nor Iwamura, alone or in combination, teaches or suggests, among other things, a plurality of lights as claimed in claim 8. Instead, Vernace teaches a single movable lamp (*see* Vernace, col. 4, lines 52-58) and Iwamura does not teach any light source.

Accordingly, for the reasons stated above, Applicant submits that claim 8, and claim 9 which depends therefrom, are not obvious over Vernace in view of Iwamura.

Claim 10

For analogous reasons stated hereinabove with respect to independent claim 1, Applicant submits that independent claim 10 is not obvious over Vernace in view of Iwamura. Furthermore, Applicant submits that neither Vernace nor Iwamura, alone or in combination, teaches or suggests, among other things, that “a portion of the input device is backlit upon lighting of the light source.” Instead, Applicant submits that neither Vernace nor Iwamura teach or suggest, alone or in combination, among other things, any areas of the disclosed devices that are backlit.

Accordingly, for the reasons stated above, Applicant submits that claim 10 is not obvious over Vernace in view of Iwamura.

Claim 11

For analogous reasons stated hereinabove with respect to independent claims 1 and 10, Applicant submits that independent claim 11 is not obvious over Vernace in view of Iwamura. Furthermore, Applicant submits that neither Vernace nor Iwamura, alone or in combination, teaches or suggests, among other things, “a user-controllable switch in communication with the light source for disabling the lighting of the light source” as claimed in claim 11. The Office

Action states that Vernace, at col. 5, lines 34-45 discloses such a switch. Applicant respectfully disagrees with such an assertion.


Col. 5, lines 34-45 of Vernace state that a user may “turn off and then turn on the television set” when “the user determines that the remote control device has been misplaced or lost.” Thus, the switch does not disable anything (including the light source) that is located on the holder/detector device of Vernace. Instead, the switch turns the television set on and off, and has no relation to the holder/detector device.

Accordingly, for the reasons stated above, Applicant submits that claim 11 is not obvious over Vernace in view of Iwamura.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner’s concerns may be expeditiously addressed.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims

What is claimed is:

1. (Amended) A remote control device, comprising:
a housing;
a processor located in the housing;
a motion detector in communication with the processor;
at least one input device in communication with the processor; and
a light source attached to a top side of the housing and in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the light source to be lit upon receipt of the signal.

6. (Amended) A remote control device, comprising:
a housing,
a processor located in the housing;
a motion detector in communication with the processor;
at least [on] one output device in communication with the processor;
a light source located in the housing and in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the light source to be lit upon receipt of the signal; and

a semi-transparent area located on a top side of the housing and having no input function, wherein the semi-transparent area is backlit when the light source is lit.

8. (Amended) A remote control device, comprising:

a housing;

a processor located in the housing;

a motion detector in communication with the processor;

a keypad located on a top side of the housing and in communication with the processor, the keypad having a plurality of keys; and

a plurality of lights attached to a top side of the housing and in communication with the processor, each of the lights corresponding to at least one of the keys, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the plurality of lights to be lit upon receipt of the signal.

10. (Amended) A remote control device, comprising:]

a housing;

a processor located in the housing;

a motion detector in communication with the processor;

at least one input device in communication with the processor; and

a light source in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, wherein the processor effects the light source to be lit upon receipt of the signal, and wherein a portion of the input device is backlit upon lighting of the light source.

11. (Amended) A remote control device, comprising:

- a housing;
- a processor located in the housing;
- a motion detector in communication with the processor;
- at least one input device in communication with the processor;
- a light source in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, wherein the processor effects the light source to be lit upon receipt of the signal, and wherein the input device is backlit upon lighting of the light source; and
- a user-controllable switch in communication with the light source for disabling the lighting of the light source.